

Request for preliminary adoption of amendments to 312 IAC 9 governing fish and wildlife-commercial licenses and permits; Administrative Cause No. 14-096D

The Division of Fish and Wildlife initiated a number of rule ideas/topics for public comment earlier this year to start our biennial rule change process. Thousands of comments were received both on-line and by regular mail during the months of January and February. As a result of public comments and requests by staff of the Division of Fish and Wildlife, the following amendments are proposed.

312 IAC 9-3-10: Require commercial deer processors to properly dispose of deer carcasses by incineration, taking them to a landfill, or taking the carcasses to a rendering facility. The DNR has received complaints regarding the disposal practices of deer processors. Many are not regulated or inspected by the health department or any other agency and have no requirements for how they dispose of deer carcasses they handle. Additionally, the Board of Animal Health (BOAH) in 345 IAC 1-3-31 allows people to move carcasses or parts of carcasses, including heads, spinal cord and small intestine of cervidae taken in other states, to commercial deer processors that are registered by DNR. However, DNR currently has no requirements on proper disposal of those parts; only record-keeping requirements relative to deer that are taken in to process. This can cause problems if a disease such as CWD or bovine TB would show up in Indiana's wild deer herd.

312 IAC 9-5-9: Adds a requirement that the applicant for a reptile captive breeding license be an Indiana resident and removes the requirement that a veterinarian examine the snake(s) within 14 days of acquisition. The DNR would be unable to examine the records and snakes as required in this rule if the person did not reside in Indiana. Also, there is not a need for the snakes to be examined by a veterinarian. Breeders don't have to submit the record of taking the snake to a veterinarian to the DNR. They only have to have the information on a departmental form.

312 IAC 9-10-4: Makes the following changes governing the game breeder license:

- Allows pheasants and quail and their eggs to be imported with either a certificate of veterinary inspection or National Poultry Improvement Plan (NPIP) certificate. This is consistent with BOAH's rule in 345 IAC 1-3-25. The requirement for a certificate of veterinary inspection creates an additional burden and cost to those who purchase birds from out-of-state, and the NPIP certificate demonstrates that the breeder is compliant with federal disease-testing requirements.
- Allows the fence height to be less than 8 feet tall for exotic species of cervidae such as fallow deer that are not known to be able to jump over fences. This would match rule language in 345 IAC 2-7-3 under the Board of Animal Health (BOAH). The current rule requires an 8-foot-tall fence for all species of cervidae; however, some species of exotic cervidae do not need 8-foot-tall fences to stay confined. The fence could be less than 8 foot high for these species as long as the fence still contains the animals (properly maintained, etc.).
- Modifies rule language to match identification and disease testing requirements already established in Indiana Administrative Code (345 IAC 2-7) under the Board of Animal Health. The requirements for tagging of cervidae, enrolling in BOAH's program, and complying with their disease-testing requirements was intended to allow DNR to help

enforce those provisions in 345 IAC 2-7. However, BOAH allows species of deer that are not susceptible to CWD to be exempt from these requirements. These inconsistencies are creating additional complications and confusion by those who possess these animals.

312 IAC 9-10-9: The following changes govern the Wild Animal Rehabilitation Permit:

- Removes the continuing education requirement for those who have had a rehabilitation permit for 10 years or more. After the Indiana wildlife rehabilitator's organization disbanded in 2012, the options to meet this requirement narrowed. Over the past few years, the remaining options are very limited, and usually include only attendance at a DNR-hosted course, taking an online course, travelling to a national meeting, or being part of a non-profit organization/center that trains its own staff. Some of these options are expensive and/or time consuming. Rehabilitators provide their service at no charge, and the Division of Fish and Wildlife does not believe the current requirement is necessary for the survival of the wild animal population. Wild animal rehabilitators provide a public service and answer many phone calls, pick up injured and orphaned wild animals, and educate the public about wild animals.
- Removes the limits on number of animals that can be released each year. The limit on the number of animals that can be released should be eliminated because wild animal rehabilitators should not be used to control populations. With a limited number of wildlife rehabilitators and increasing suburban development, permitted wildlife rehabilitators should not be limited in regard to the number of wild animals they can accept and care for, as long as they have the cages and means of taking care of the animals properly.

312 IAC 9-10-11: Reduces the number of hours of continuing education required to 16 hours (instead of 32) in a four year period of time for a nuisance wild animal control permit holder that provides services to the public or charges a fee. Permit holders are finding it difficult to meet the 32-hour requirement since training opportunities within the state have become more limited and may require a lengthy drive, costing time and money for permit holders (and their employees).

312 IAC 9-10-15: Deletes paddlefish from the list of 33 species under 312 IAC 9-10-15 that can be imported without a permit or produced and sold live under a fish hauler's and supplier's permit. Paddlefish are now entering the live fish market, including fish for stocking private waters. Concerns regarding genetic contamination of wild stocks and loopholes related to movement of paddlefish and roe are the basis for the proposal. Live paddlefish would be able to be sold under the aquaculture permit (which is also free of charge).

312 IAC 9-10-16: Due to legislation that took effect on July 1, rabbits are being added as another species that can be chased (not killed) under the dog training ground permit. This would only allow the chasing of rabbits, and not the killing of them, within an enclosure. Specifications for the enclosure include a minimum size and cover for the rabbits.

312 IAC 9-10-24: This rule creates a new trapper education permit (free of charge) that authorizes the trapping of furbearing mammals outside the season for a trapper education class approved by the DNR.

DNR-sponsored trapper education classes can be more beneficial when students are allowed to actually set traps and learn how to release animals from those traps. In order to increase participation and provide education before the start of the trapping season, classes need to be conducted at a time other than during trapping season. This new permit would meet that need when a class is held outside regulated trapping seasons.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA Document #14-

Amends 312 IAC 9-3-10 governing commercial deer processors. Amends 312 IAC 9-5-9 governing the reptile captive breeding license. Amends 312 IAC 9-10-4 governing the game breeders and exotic cervidae license. Amends 312 IAC 9-10-9 to governing wild animal rehabilitation permits. Amends 312 IAC 9-10-11 governing the nuisance wild animal control permit. Amends 312 IAC 9-10-15 governing the fish importation permit to remove paddlefish from the list of species. Amends 312 IAC 9-10-16 governing the dog training ground permit. Adds 312 IAC 9-10-24 to establish a trapper education permit. Amends 312 IAC 9-11-2 governing the wild animal possession permit to clarify requirement for applicants. Effective 30 days after filing with the Publisher.

312 IAC 9-3-10; 312 IAC 9-5-9; 312 IAC 9-10-4; 312 IAC 9-10-9; 312 IAC 9-10-11; 312 IAC 9-10-15; 312 IAC 9-10-16; 312 IAC 9-10-24; 312 IAC 9-11-2;

SECTION 1. 312 IAC 9-3-10 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-10 Commercial processing of deer

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 10. (a) A person who receives deer for processing and charges a fee must maintain accurate daily records of the following:

- (1) The dates deer are received and disposed of.
- (2) The name and address of the owner of the deer.
- (3) The state or province from which the deer was taken.
- (4) The official tag and seal number, certificate of ownership or game breeder license number, or the department's electronic harvest confirmation number.

(b) These records shall be retained by the person or persons responsible for preparation or maintenance for at least eighteen (18) months following that preparation and must register with the department by March 1 of each year.

(c) A law enforcement officer may enter premises used for deer preparation at all reasonable hours to inspect those premises and the daily records required under subsection (a).

(d) A deer processor must properly dispose of carcasses and other parts of deer to ensure that they do not become a public nuisance as defined in IC 32-30-6-6. Proper disposal includes:

- (1) at a disposal plant licensed by the Indiana board of animal health under IC 15-17;**
- (2) burial upon the owner's premises so that every part of the animal's carcass is at least four (4) feet under the natural surface of the earth;**
- (3) thorough and complete incineration;**
- (4) composting; or**
- (5) other methods approved by the director.**

Natural Resources Commission; 312 IAC 9-3-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 539; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Dec 18, 2012, 2:00 p.m.: 20130116-IR-312120115FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA)

SECTION 2. 312 IAC 9-5-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-9 Reptile captive breeding license

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 14-22

Sec. 9. (a) This section:

- (1) establishes the reptile captive breeding license; and**
- (2) sets the requirements for an individual who wishes to apply for and maintain the license.**

(b) The application must be made on a department form by a resident of Indiana.

(c) The annual fee for a license under this section is fifteen dollars (\$15).

(d) An application for a license under this section must be made within five (5) days after the applicant took possession of the first reptile described in subsection (e) and taken for captive breeding purposes.

(e) An individual holding a valid reptile captive breeding license may possess, breed, and sell the snakes listed in this section. In the following list, where both scientific names and common names are provided, common names are for public convenience, but the scientific names control:

- (1) Gray ratsnake, also known as the black ratsnake (*Pantherophis spiloides*).**
- (2) Western foxsnake (*Pantherophis vulpinus*).**
- (3) Eastern hog-nosed snake (*Heterodon platirhinos*).**
- (4) Prairie kingsnake (*Lampropeltis calligaster calligaster*).**
- (5) Eastern black kingsnake (*Lampropeltis getula nigra*).**
- (6) Eastern milksnake (*Lampropeltis triangulum triangulum*).**
- (7) Red milksnake (*Lampropeltis triangulum sypila*).**
- (8) Bullsake (*Pituophis catenifer sayi*).**
- (9) A snake that is not on a state or federal endangered or threatened species list and with a color morphology that is:**
 - (A) albinistic (an animal lacking brown or black pigment);**
 - (B) leucistic (a predominately white animal); or**
 - (C) xanthic (a predominately yellow animal);**

if it was not collected from the wild.

(f) Captive breeding stock other than a reptile described in subsection (e)(9) must be identified with an individually unique passive integrated transponder (pit tag). A transponder must be implanted in each specimen. The type of transponder must be able to be read by an AVID reader. ~~The imbedded~~

~~transponder's code and other required information concerning the general health and condition of the animal must be:~~

- ~~(1) provided on a departmental form; and~~
 - ~~(2) verified by a supervising veterinarian;~~
- ~~within fourteen (14) days after obtaining the animal.~~

(g) A reptile held under this section must be confined in a cage or other enclosure that makes escape of the animal unlikely. Each animal must be:

- (1) provided with ample space; and
- (2) kept in a sanitary and humane manner.

Animals and cages must be made available for inspection upon request by a conservation officer.

(h) Each animal possessed under this section must be lawfully acquired. Not more than four (4) animals of each species described in subsection (e) may be collected annually from the wild. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition for animals not taken from the wild shall be presented to a conservation officer upon request. An individual licensed under this section who collects an animal from the wild must document, on a departmental form, when and where the animal was collected. The animal must be fitted with a passive integrated transponder within fourteen (14) days of taking possession.

(i) An individual licensed under this section must not possess an animal larger than the maximum sale length described in this subsection unless the animal is fitted with a transponder as part of the breeding stock of the person. Captive bred offspring may only be sold before an individual attains the following total length:

- (1) Fifteen (15) inches for an eastern hog-nosed snake.
- (2) Eighteen (18) inches for any of the following:
 - (A) A gray ratsnake.
 - (B) A western foxsnake.
 - (C) An eastern black kingsnake.
 - (D) A prairie kingsnake.
 - (E) An eastern milksnake.
 - (F) A red milksnake.
- (3) Twenty-eight (28) inches for a bullsnake.

(j) An individual licensed under this section must maintain accurate records on a calendar year basis on the number and disposition of breeding stock and captive bred young. The records shall include the following:

- (1) The species and number of animals captured, received, or sold.
- (2) The birth dates of captive born animals.
- (3) The complete name and complete address of the person from whom an animal was purchased or to whom an animal was sold.
- (4) The unique passive integrated transponder (pit tag) of each snake as required in subsection (f).**

The records shall be maintained at the place of business of the license holder for at least two (2) years after the end of the license year. Upon request by a conservation officer, the license holder must make the records available for inspection.

(k) An individual licensed under this section must not release to the wild a captive breeder or the offspring of a captive breeder. (*Natural Resources Commission; 312 IAC 9-5-9; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3675; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 545; filed May 25, 2005, 10:15 a.m.: 28 IR 2950; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-*

312060193FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; errata filed Sep 1, 2010, 11:08 a.m.: 20100915-IR-312100567ACA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA)

SECTION 3. 312 IAC 9-10-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-4 Game breeder and exotic cervidae licenses

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-20

Affected: IC 4-21.5; IC 14-22-20.5-2

Sec. 4. (a) A person shall apply for a license as a game breeder on a departmental form.

(b) A license holder under this section may possess one (1) or more of the following:

- (1) Ring-necked pheasant (*Phasianus colchicus*).
- (2) Bobwhite quail (*Colinus virginianus*).
- (3) Eastern cottontail rabbit (*Sylvilagus floridanus*).
- (4) Gray squirrel (*Sciurus carolinensis*).
- (5) Fox squirrel (*Sciurus niger*).
- (6) Beaver (*Castor canadensis*).
- (7) Coyote (*Canis latrans*).
- (8) Gray fox (*Urocyon cinereoargenteus*).
- (9) Red fox (*Vulpes vulpes*).
- (10) Mink (*Mustela vison*).
- (11) Muskrat (*Ondatra zibethicus*).
- (12) Opossum (*Didelphis marsupialis*).
- (13) Raccoon (*Procyon lotor*).
- (14) Striped skunk (*Mephitis mephitis*).
- (15) Long-tailed weasel (*Mustela frenata*).
- (16) Least weasel (*Mustela nivalis* or *Mustela rixosa*).

(c) Notwithstanding subsections (a) and (b), a person shall apply for a ~~cervidae~~ breeder license **under this section** as authorized at IC 14-22-20.5 on a departmental form to lawfully acquire and possess cervidae, including deer (all species), elk (*Cervus canadensis*), caribou (all species), moose (*Alces alces*), or a first generation hybrid or genetically altered mammal of the cervidae family that is:

- (1) privately-owned;
- (2) legally obtained;
- (3) born in captivity; and
- (4) possessed by a cervidae livestock operation in accordance with IC 14-22-20.5-2.

(d) A license holder under subsection (a) may lawfully acquire and possess the following:

(1) Furbearing mammals and eastern cottontail rabbits that must have been one (1) of the following:

- (A) Lawfully taken in season.
- (B) Born in captivity.
- (2) Fox squirrels and gray squirrels must have been born in captivity.
- (3) Ring-necked pheasants and bobwhite quail must have been hatched in captivity.

(e) A license holder under subsection (a) may possess the following:

- (1) Furbearing mammals, squirrels, and eastern cottontail rabbits for breeding purposes under IC 14-22-20.
- (2) Ring-necked pheasants and bobwhite quail for:

- (A) breeding purposes;
- (B) food; or
- (C) release.

(f) A license holder under subsection (c) may possess cervidae and their products for:

- (1) breeding;
- (2) propagating;
- (3) purchasing;
- (4) marketing; and
- (5) selling;

under IC 14-22-20.5.

(g) A person must apply for a license under this section within five (5) days after the:

- (1) acquisition of an animal within Indiana; or
- (2) importation of an animal into Indiana.

Each enclosure for these animals must be inspected by a conservation officer before a license may be issued.

(h) A license holder under this section may add a species other than those identified in the application upon:

- (1) an inspection by a conservation officer; or
- (2) approval by the division of fish and wildlife.

A conservation officer must be notified within five (5) days of acquisition of the new species.

(i) A license holder under this section who imports:

- (1) any live animal under this license; or
- (2) the eggs of birds covered under this license;

must secure a certificate of veterinary inspection from an accredited veterinarian **or certificate of compliance with the United States Department of Agriculture National Poultry Improvement Plan** in the state of origin before the animal **or egg** is shipped into Indiana. Documentation in the form of a copy of a valid game breeder license or valid dated receipt that establishes lawful acquisition or ownership must accompany any transportation of wild animals.

(j) A license holder under this section must present at least one (1) of the following for inspection upon the request of a conservation officer for each animal possessed:

- (1) A receipt.
- (2) An invoice.
- (3) Other satisfactory evidence of lawful acquisition, including documentation of natural birth.

(k) For ring-necked pheasants, bobwhite quail, furbearing mammals, eastern cottontail rabbits, fox squirrels, and gray squirrels, the following requirements apply:

- (1) A wild animal must be confined in a cage or other enclosure that:
 - (A) makes escape of the animal unlikely; and
 - (B) prevents the entrance of a free-roaming animal of the same species.
- (2) The cage or enclosure shall be large enough to:
 - (A) allow the wild animal to turn about freely; and
 - (B) make normal postural adjustments.
- (3) All chainlink or welded wire edges shall be:
 - (A) smoothly secured to prevent injury to the animals; and
 - (B) kept properly repaired.
- (4) Night quarters, holding pens, and nesting boxes may not be used as primary housing.

(5) The following shall be provided as required for the comfort of the particular species of animal:

- (A) Fresh water.
- (B) Rainproof dens.
- (C) Nest boxes.
- (D) Windbreaks.
- (E) Shelters.
- (F) Shade.
- (G) Bedding.

(6) Each animal shall be handled, housed, and transported in a sanitary and humane manner.

(7) An enclosure must be provided with sufficient drainage to prevent standing water from accumulating.

(8) The cages or other enclosures must be made available upon request for inspection by a conservation officer.

(l) For cervidae, the following enclosure requirements apply:

(1) The enclosure must have a perimeter fence with a height of at least eight (8) feet from the ground to the top of the fence at all parts of the structure to:

- (A) make the escape of an animal unlikely; and
- (B) prevent the entrance of a free-roaming animal of the same species.

The director may approve a perimeter fence enclosing smaller cervids (species other than white-tailed deer and elk) that is less than eight (8) feet from the ground if the fence is likely to contain the animals.

(2) Fence bottoms shall be installed at or near the ground level but not more than six (6) inches above ground level.

(3) If topographic, natural, or other conditions exist that would enable an animal to pass through, over, or under the fence, the permit holder must supplement the fence as necessary to prevent egress.

(4) Perimeter fencing materials shall be of a fencing strength, weave, and construction that prevents the escape of an animal into the wild and may include, but are not limited to, high tensile game fence that is at least fourteen and one-half (14 1/2) gauge, chainlink fence of at least nine (9) gauge, welded wire fence of at least twelve and one-half (12 1/2) gauge, wood fence or farm buildings.

(5) All chainlink or welded wire fence edges shall be:

- (A) smoothly secured to prevent injury to the animals; and
- (B) kept properly repaired.

(6) The license holder under this section or their designees must maintain the perimeter fencing in good condition at all times.

(7) The license holder under this section or their designees must maintain a log of perimeter fence inspections that records the following:

- (A) The inspection date.
- (B) The inspection time.
- (C) The individual or individuals performing the inspection.
- (D) Any noted deficiencies or repairs made.

(8) A license holder under this section must report the escape of any cervidae possessed under this section to a conservation officer within twenty-four (24) hours after knowledge of the escape or knowledge of potential escape. Knowledge of potential escape shall include, but not be limited to, significant damage to the perimeter fence that is likely to allow escape or the license holder is unable to account for all of the animals possessed under this license, or both.

(9) A license holder under this section shall secure and install padlocks on all remote perimeter gates.

(10) Upon a request by a conservation officer, any enclosure must be made available for inspection.

(m) To provide for the comfort and overall health of each cervidae possessed under this section, the license holder shall provide the following:

(1) Fresh water must be provided as follows:

(A) Available at all times.

(B) May be provided by:

(i) public water utilities;

(ii) wells;

(iii) cisterns;

(iv) ponds; or

(v) streams.

(2) Feed must be provided as follows:

(A) Where adequate pasture or natural vegetation is available to meet the nutritional needs of each animal, supplemental feeding is not necessary.

(B) Where adequate pasture or natural vegetation is not available to meet the nutritional needs of each animal, supplemental feed or a complete feed ration must be made available to prevent:

(i) malnutrition;

(ii) poor body condition;

(iii) debility;

(iv) stress;

(v) illness; or

(vi) disease.

(3) Windbreaks, shelters, and shade must be provided as follows:

(A) Protection of each animal from the extreme elements of heat, cold, or wind must be provided at all times and in all enclosures where animals are housed.

(B) Protection from the elements may include, but shall not be limited to, one (1) or more of the following:

(i) Barns.

(ii) Shelters.

(iii) Man-made or natural windbreaks.

(iv) Tarps.

(v) Shade cloth.

(vi) Trees.

(vii) Hedge rows.

(viii) Tall grass and weeds.

(4) Bedding must be provided as follows:

(A) Each enclosure must provide high ground, shelters, or bedding areas that prevent the animal from lying or standing in mud or water that is ankle deep for more than ten (10) consecutive days.

(B) Each enclosure used to house cervidae must be provided with sufficient drainage to prevent stagnant water or deep mud throughout the enclosure such that the animals in the enclosure can turn about freely and obtain food and water without standing in stagnant water or deep mud.

(5) Enclosures must be provided as follows:

(A) Each enclosure shall be large enough to allow the animal to:

(i) turn about freely; and

(ii) make normal postural adjustments.

(B) Periodic crowding of animals of less than four (4) months may be necessary for the following:

- (i) Wintering of animals and pasture preservation.
- (ii) Breeding.
- (iii) Medicating or vaccinating, or both.
- (iv) Tuberculosis and brucellosis testing to maintain herd status.
- (v) Handling and tranquilization.

(6) Each cervidae shall be handled, housed, and transported in a sanitary and humane manner.

(n) Each cervidae possessed under this section must be individually and uniquely identified in accordance with 345 IAC 2-7 ~~prior to leaving the license holder's premises.~~

(o) A license holder under this section that possesses cervidae must do the following:

(1) Register with the state veterinarian each location where cervidae are being kept and acquire a premises identification under 345 IAC 2-7.

(2) Register with the state veterinarian and enroll in the chronic wasting disease (CWD) program under 345 IAC 2-7 **if the license holder possesses a species of cervid listed in 345 IAC 2-7.**

(3) Adhere to Indiana cervidae importation requirements as designated by the state veterinarian. Prior to importation, a permit from the state veterinarian must be acquired under 345 IAC 1-3 and 345 IAC 2-7.

(4) Handle all deaths of cervidae ~~older than twelve (12) months of age as follows~~ in accordance with 345 IAC 2-7:

~~(A) Report each incident to the state veterinarian.~~

~~(B) Test each disease-susceptible cervid for CWD if suitable for testing.~~

~~(C) Follow CWD sample submission protocol that is designated by the state veterinarian.~~

~~(5) Allow for an annual herd inspection by the Indiana state board of animal health and provide records under 345 IAC 2-7 for the following:~~

~~(A) Official cervid identifications.~~

~~(B) Additions and removals from herd that include dates, names, addresses or contact information.~~

~~(C) Postmortem reports.~~

(p) Cervidae and their products may be sold in Indiana in accordance with IC 14-22-20 or out of state for any legal purpose.

(q) An animal possessed under this section may be administered a pharmaceutical product in accordance with state and federal laws and approved by a state or federal agency for the purpose of prevention or treatment of any of the following:

- (1) Malnutrition.
- (2) Illness.
- (3) Disease.
- (4) Injury.
- (5) Stress.

A licensed veterinarian may administer to an animal an immobilizing agent, tranquilizer, or drug for euthanasia in compliance with all state and federal laws. A license holder under this section or authorized handler may use an immobilizing agent or tranquilizer, as directed by a licensed veterinarian, to assist in the safe handling and transportation of cervidae.

(r) A license holder under this section shall not release animals possessed under this section except for bobwhite quail and ring-necked pheasants. A license holder under this section shall not release known diseased bobwhite quail and ring-necked pheasants.

(s) A license holder under this section must not sell an animal possessed under this section if the animal is known to be diseased.

(t) A license holder under this section must comply with all applicable state, local, or other federal laws that govern the possession and sale of the animals possessed under this section.

(u) A license holder under this section shall do the following:

(1) Maintain an inventory of all wild animals possessed under this section.

(2) Record all additions and deletions to the inventory for every wild animal that is:

(A) born or has died;

(B) sold;

(C) traded;

(D) loaned;

(E) bartered; or

(F) given to another person;

on a signed departmental form or computerized record with a signature that is either electronic or in ink. If recorded on a departmental form, the person must complete the form in ink.

(3) Keep a copy of the complete and accurate inventory on the premises of the game breeder.

(4) Provide a copy of the inventory to a conservation officer upon request.

(5) Issue a valid, dated receipt prepared in ink for all animals or their products that are sold, traded, bartered, or gifted and include the following information:

A copy of (A) Game breeder license number.

(B) Buyer and seller name and address.

(C) Number of animals or products sold.

(D) Species of animal sold.

all of the receipts issued must be on the premises of the game breeder for at least five (5) years after the year of the transaction.

(v) A license expires on December 31 of the year the license is issued. The license holder must file an application with the division by January 31 of each year in order to renew the license. The annual report must accompany the renewal application and shall include for each species possessed under this license the number:

(1) bought;

(2) sold;

(3) born;

(4) traded;

(5) gifted;

(6) of deaths; and

(7) on hand.

(w) A conservation officer may enter the premises of the license holder at all reasonable hours to conduct an inspection in accordance with subsections (x) and (y).

(x) During an inspection, the license holder or the license holder's designee shall comply with both of the following:

(1) Meet the conservation officer at the time of inspection to provide access to all enclosures where animals possessed under a license issued under this section are housed.

(2) Provide access to all records relative to the license issued under this section.

(y) While conducting an inspection, the conservation officer must comply with the following:

(1) Upon request of the license holder or the license holder's designee and prior to entering the enclosure where animals are housed, follow appropriate sanitation practices to prevent the spread of disease if the license holder provides sanitation supplies or protective equipment.

(2) Give due consideration to the safety and welfare of the animals.

(3) Notify the license holder if the inspection reveals a violation of this section or IC 14-22-20. The conservation officer may make a second inspection after no sooner than fifteen (15) days after the reported violations unless critical conditions exist as determined at the reasonable discretion of the conservation officer. The wild animals may be confiscated if the license holder fails to correct the violations of the license requirements.

(z) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder fails to comply with any of the following:

(1) A provision of a license issued under this section.

(2) IC 14-22-20.

(3) All applicable state, local, or other federal laws.

(Natural Resources Commission; 312 IAC 9-10-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jan 26, 2004, 10:45 a.m.: 27 IR 1789; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Apr 8, 2010, 1:49 p.m.: 20100505-IR-312090486FRA; filed Dec 10, 2010, 10:36 a.m.: 20110105-IR-312100104FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA)

SECTION 4. 312 IAC 9-10-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-9 Wild animal rehabilitation permit

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 4-21.5; IC 14-22

Sec. 9. (a) This section governs a permit to possess a wild animal for rehabilitation. The permit is:

(1) required to temporarily possess any wild animal that is:

(A) a mammal;

(B) a bird;

(C) a reptile; or

(D) an amphibian;

for rehabilitation purposes; and

(2) available only to an individual who is a resident of Indiana.

(b) An individual may, without a permit, take possession of a sick, injured, or orphaned wild animal and transport it to an individual with a valid permit under this section within twenty-four (24) hours.

(c) An application for a permit under this section shall be completed on a departmental form and must provide the following:

(1) The applicant has one (1) year of experience with one (1) of the following types of facilities that works with the species to be rehabilitated:

(A) A licensed veterinarian who has a wild animal rehabilitation permit.

(B) A zoological park.

(C) A university animal clinic.

(D) A licensed wild animal rehabilitator who has had a permit for at least three (3) years.

Documentation of the experience with a licensed veterinarian, university animal clinic, zoological park, or licensed wild animal rehabilitator must be submitted with the application.

(2) The name and address of a veterinarian willing to assist the applicant with the rehabilitation of wild animals. The veterinarian shall sign the application and attest to having experience in the care of the species of wild animals to be rehabilitated. If the applicant is a veterinarian, the signature of another veterinarian is not required.

(3) A listing of the wildlife rehabilitation reference books in possession of the applicant. The individual must have at least one (1) reference book that:

(A) includes information pertaining to each species listed on the application form; and

(B) is on the list approved by the department.

(4) The names, addresses, and telephone numbers of any other individuals who will assist the applicant.

(5) The species or type of animals that will be accepted for rehabilitation.

(6) A description of the rehabilitation facilities, equipment, and supplies. The description shall include the following:

(A) Cages.

(B) Intensive care units.

(C) Aviaries.

(D) Medical supplies.

(E) Other items to be utilized in the rehabilitation process.

A cage description shall provide its internal dimensions and shall specify the materials used for flooring, walls, and perches.

(7) The applicant is at least eighteen (18) years of age.

(d) Before a permit may be issued, the applicant must correctly answer at least eighty percent (80%) of the questions on a written examination supervised and administered by the department covering basic biology, care of wild animals, and the laws relating to wild animal rehabilitation.

(1) An individual who fails to correctly answer at least eighty percent (80%) of the questions on the examination may retake the examination not more than two (2) additional times within ninety (90) days, but not again within one hundred eighty (180) days after the third failure.

(2) Exempted from this subsection is an individual who has had a permit under this section for ten (10) years and taken in at least twelve (12) wild animals each year for rehabilitation. ~~However, all individuals who have a permit under this subsection must meet the requirements in subsection (e).~~

(e) A permit holder ~~who has satisfied subsection (d)~~ must, ~~within~~ **every** three (3) years ~~of~~ **after** being issued a permit, either:

(1) satisfy the same requirements as are set forth in subsection (d) on another examination; or

(2) complete eight (8) hours of continuing education as approved by the division, including courses that will be sponsored by the department, National Wildlife Rehabilitator's Association, or International Wildlife Rehabilitation Council. **A permit holder who is exempt under subsection (d)(2) is also exempt from the requirements under this subsection.**

(f) A conservation officer must inspect the cages and any other enclosures where wild animals will be housed before a permit may be issued to a new applicant. A conservation officer may inspect the enclosures, wild animals, and any records relative to a permit issued under this section at any reasonable hour.

(g) An amended application or written request must be filed with the division if there is a change to the address of the applicant, the name of the assisting veterinarian, the identity of assistants, or the addition of species of wild animals that was provided in the original application.

(h) The permit holder must file an application by January 31 of each year in order to renew the permit. The annual report required under subsection (m) must accompany the renewal application. The signature of a veterinarian is not required for a renewal application.

(i) The issuance of a permit under this section does not relieve an individual from any requirement for a federal permit. If the terms of a federal permit and the permit issued under this section differ, the more restrictive terms prevail.

(j) Public exhibition or display of any wild animal possessed pursuant to a permit issued under this section is prohibited. Only assistants and other individuals dropping off an animal for rehabilitation at the permit holder's facility may view or have contact with the wild animal unless specifically authorized in writing by the department. Electronic viewing and photographs are allowed.

(k) A permit holder must maintain facilities for the retention of a wild animal possessed under this section in a sanitary condition as follows and conform with any other conditions specified by the permit:

(1) Cages must be cleaned daily using nonirritating methods unless medical treatment necessitates otherwise.

(2) The permit holder and any assistants listed on the permit must observe and provide care for wild animals at least once daily unless otherwise specified by the permit.

(3) Wild animals must be kept in enclosures and in an environment that minimizes human contact at all times to prevent imprinting and bonding to humans. The permit holder or designated assistants should interact with the wild animal only to the extent necessary to provide adequate care and treatment.

(4) Wild animals must not be allowed to come into contact with any individuals other than:

- (A) a permit holder;
- (B) an assistant listed on a rehabilitation permit;
- (C) a licensed veterinarian;
- (D) an animal control officer;
- (E) a law enforcement officer; or
- (F) an authorized department employee.

(5) Wild animals must not be housed in a cage that would allow physical contact of the animals undergoing rehabilitation with domestic or companion animals or animals kept under any other license or permit unless authorized in writing by the department.

(6) If suspected of having an infectious disease, wild animals must be quarantined in areas designated for that purpose.

(7) Wild animals must be kept separated from human living quarters and activities unless intensive care is required, but unweaned wild animals may be housed in human living quarters that are away from human activities.

(8) Wild animals must be housed in enclosures that:

- (A) are structurally sound;
- (B) are of sufficient strength for the species involved;
- (C) are maintained in good repair to prevent escape or injury to wild animals being rehabilitated;
- (D) are constructed to allow sufficient space for individual posture and social movements, unless medical treatment necessitates restricted mobility;
- (E) are secured when unattended;
- (F) have protective devices at entrances and exits to prevent escapes if kept outdoors and if needed to prevent injuries to human or the animal's health;

- (G) have ambient temperatures that are appropriate for the species located within the enclosure;
- (H) have adequate ventilation by means of:
 - (i) windows;
 - (ii) doors;
 - (iii) vents;
 - (iv) fans; or
 - (v) air conditioning;
 to protect wild animal health and to minimize drafts, odors, and condensation;
- (I) maintain adequate lighting by artificial or natural means that is cycled for appropriate photoperiod, if necessary for the species in possession;
- (J) provide adequate shade, weatherproof shelters, nest boxes, perches, and dens to protect wild animals from inclement weather and direct sun if kept outdoors.
- (9) No exposed sharp objects, ponds with steeply sloped banks, toxic paints or sealants, or poisonous vegetation may be used in the construction of enclosures.
- (10) Enclosures shall have either visual barriers or be separated by distance to restrict a wild animal's view of humans and other species being rehabilitated to reduce inappropriate imprinting, socialization, habituation, or stress, unless a view of humans and other wild animals will not affect the animal's ability to survive in the wild.
- (11) Wild animals must be fed as follows:
 - (A) Appropriately and adequately to meet nutritional needs unless medical treatment necessitates restricted food intake.
 - (B) With food that is palatable, free of contamination, and of sufficient quantity and nutritive value for the species involved, including the use of supplemental vitamins and minerals when necessary for recovery.
 - (C) With food receptacles that are appropriately sized, easily accessible, and kept sanitary and safe.
- (12) Wild animals must be given water as follows:
 - (A) Fresh clean water for drinking shall be provided throughout the day unless medical treatment necessitates restricted water intake.
 - (B) Additional water shall be provided for species requiring bathing, swimming, or misting unless medical treatment necessitates restricted water exposure.
 - (C) With water receptacles that are appropriately sized, easily accessible, kept sanitary as much as possible, and safe.
- (13) Removal and disposal of wild animal food wastes, feces and urine, bedding, from the enclosure and premises shall be performed daily to maintain sanitary conditions and protect wild animal and human health. Trash, garbage, debris, and carcasses must be removed from the enclosure as soon as they are observed and appropriately disposed of.
- (14) Cages, rooms, hard surfaced pens, kennels, runs, equipment, and food and water receptacles shall be sanitized between each adult wild animal use and between litters to prevent disease transmission.
- (l) A permit holder must maintain current records for each wild animal to include the following:
 - (1) The species and condition of the animal.
 - (2) The name, address, and telephone number of the donor or other source of the animal.
 - (3) The date of receipt by the permit holder.
 - (4) The treatment provided to the animal while in captivity, including the identification of and date of administration of any pharmaceutical product or other chemical to a mammal or reptile.
 - (5) The method and date of disposition of the wild animal.
 All records must be maintained at the facility of the permit holder for a minimum of three (3)

years.

(m) The permit holder shall provide a signed annual report to the division by January 31 of each year. The report shall list the following:

- (1) The species and condition of each animal.
- (2) The date the animal was received.
- (3) The name and county of the donor or other source.
- (4) The method, location, and date of disposition of the animal.

The report may be a computerized record signed by the permit holder under oath or affirmation to be a true and accurate account of all wild animals taken in for rehabilitation during that year or on a form provided by the department and must be maintained at the facility of the permit holder for a minimum of three (3) years.

(n) As soon as a wild animal is capable of fending for itself, the animal must be released into the wild as follows:

- (1) The wild animal must be released on land only with permission of the landowner.
- (2) Mammals must be tagged or marked as directed by the department if given a pharmaceutical product or other chemical for the purpose of tranquilizing or anesthetizing the mammal unless the product administered is labeled as safe for human consumption and the mammal is released after the clearance period.
- (3) A bird must be released in the county from which it was originally found except:
 - (A) a bird that is being released outside the breeding season for that species;
 - (B) a bird that has been in a rehabilitation facility for ninety (90) calendar days or more;
 - (C) a bird that is not in the order Anseriformes, Charadriiformes, Columbiformes, Falconiformes, Galliformes, Gruiformes, or Strigiformes; or
 - (D) a bird that is a juvenile;

may be released in an appropriate habitat in any county that is within that species' normal range in Indiana.

(4) A reptile or amphibian must be released at the site where found, unless the origin is unknown. If the origin is unknown, the reptile or amphibian may be released in an appropriate habitat in the permit holder's county of residence.

(5) For mammals, the following apply:

- (A) A mammal must be released in the county from which it was originally found or obtained, unless the origin is unknown or the mammal is a juvenile.
- (B) If the mammal's origin is unknown, the mammal may be released in an appropriate habitat in the permit holder's county of residence.
- (C) If the mammal is a juvenile and was housed together with other animals of the same species, the group may be released in appropriate habitat in a county where at least one (1) member of the group originated.
- (D) In addition to the requirements in subdivisions (1) and (2) and clauses (A) through (C), raccoons, Virginia opossums, striped skunks, coyotes, and foxes must be released only as follows or be euthanized:

- (i) The release site must consist of at least two (2) contiguous acres.
- (ii) Not more than eight (8) animals per species may be released per two (2) acres of any site per calendar year.
- ~~(iii) Not more than:~~

~~(AA) twenty four (24) each of raccoons, Virginia opossums, striped skunks, and foxes; and~~

~~(BB) two (2) coyotes;~~

~~may be released by a permit holder in a calendar year.~~

- (E) In addition to the requirements in subdivisions (1) and (2) and clauses (A) through (C), white-tailed deer must be released only as follows or be euthanized:

- (i) The release site must consist of at least five (5) contiguous acres.
 - (ii) The release site must be outside city limits.
 - (iii) Not more than ten (10) white-tailed deer may be released per site per calendar year.
- (o) A permit holder may keep a nonreleasable wild animal, other than a white-tailed deer, only if approved by the division of fish and wildlife as follows:
- (1) For educational purposes under a special purpose educational permit under section 9.5 of this rule as follows:
 - (A) For mammals other than white-tailed deer, as follows:
 - (i) A wild animal possession permit must be obtained under 312 IAC 9-11.
 - (ii) Not more than three (3) mammals per species and six (6) mammals total may be possessed if twelve (12) or fewer total mammal programs are presented to the public each calendar year.
 - (iii) Not more than five (5) mammals per species and not more than twenty (20) mammals total may be possessed if thirteen (13) or more total mammal programs are presented to the public each calendar year.
 - (iv) Exceptions to these numbers may be granted upon prior written approval from the division based on the number of educational programs presented to the public in the previous year.
 - (B) For birds, as follows:
 - (i) A special purpose educational permit must be obtained under section 9.5 of this rule.
 - (ii) Not more than three (3) birds per species may be possessed and six (6) birds total if twelve (12) or fewer programs with each bird are presented to the public each calendar year.
 - (iii) Not more than five (5) birds per species may be possessed and not more than twenty (20) birds total if thirteen (13) or more bird programs with each bird are presented to the public each calendar year.
 - (iv) Exceptions to these numbers may be granted upon prior written approval from the division based on the number of educational programs presented to the public in the previous year.
 - (C) For reptiles, as follows:
 - (i) A turtle possession permit must be obtained under 312 IAC 9-5-11 to possess an eastern box turtle, and a wild animal possession permit must be obtained under 312 IAC 9-11 to possess an endangered species of reptile.
 - (ii) Not more than three (3) reptiles per species and six (6) reptiles total may be possessed if twelve (12) or fewer total reptile programs are presented to the public each calendar year.
 - (iii) Not more than four (4) reptiles per species and not more than twenty (20) reptiles total may be possessed if thirteen (13) or more total reptile programs are presented to the public each calendar year.
 - (iv) Exceptions to these numbers may be granted upon prior written approval from the division based on the number of educational programs presented to the public in the previous year.
 - (2) For fostering other wild animals only if five (5) mammals or birds of the same species have been reported in at least the two (2) previous years.
 - (3) Wild animals that have been used in educational programs or as foster parents and are no longer capable of being used in that capacity due to age or health may be kept with written permission from the division of fish and wildlife.

(4) Wild animals possessed lawfully prior to July 1, 2010, are exempt from the requirements in this subsection.

(5) Nonreleasable wild animals may be transferred to another individual as follows:

(A) ~~licensed to an individual with a permit under this subsection~~ **section**; or

(B) **to an individual with a special purpose educational permit under 312 IAC 9-10-9.5;**

(C) **if the wild animal is a raptor, to an individual** with a falconry license under section 13.1 of this rule that has had a permit for at least three (3) consecutive years;

(D) **if a migratory bird, to an individual with a permit or authorization from the United States Fish and Wildlife Service to possess the bird;**

(E) **to a zoo accredited by the Association of Zoos and Aquariums and licensed or registered with the United States Department of Agriculture;**

and will use the animal for fostering or educational programs in accordance with this subsection.

(6) A determination that a wild animal is nonreleasable must be based upon a licensed veterinarian's examination and statement.

(7) As used in this subsection, "nonreleasable" means a wild animal that:

(A) cannot obtain food on its own in the wild;

(B) does not exhibit locomotive skills necessary for that species to survive;

(C) does not possess adequate vision to find or catch, or both, food and maneuver in a normal manner; or

(D) cannot otherwise fend for itself without medical care due to disease or extensive injuries.

(p) An individual who does not hold a permit under this section but is listed as an assistant on a permit issued under this section may assist a permit holder, but only if the permit holder supervises the individual as follows:

(1) An assistant must be at least sixteen (16) years of age to provide assistance at the permit holder's facility.

(2) An assistant under eighteen (18) years of age must be under the direct and on-site supervision of the permit holder.

(3) An assistant of eighteen (18) years of age or older may provide assistance at the permit holder's facility or as follows:

(A) With written authorization, an assistant listed on the permit may possess a wild animal under this section at a location not authorized on the permit for not more than thirty (30) consecutive days unless authorized by the department.

(B) The permit holder maintains responsibility for the care of the wild animal.

(C) The permit holder provides supervision with written instructions and is available for phone contact with the assistant at all times.

(D) The facilities of the assistant meet the same facility standards as the permit holder.

(E) The wild animal possessed by an assistant is returned to the permit holder at the time of weaning or release, whichever comes first.

(q) A permit holder may possess a wild animal for rehabilitation under this section for one hundred eighty (180) days except as follows:

(1) Exceptions may be approved by the department, but additional time will not be authorized for the sole purpose of releasing the wild animal outside the hunting season for that species.

(2) Migratory birds may only be possessed in accordance with the permit holder's federal migratory bird permit.

(3) Turtles with shell fractures may be possessed for up to two (2) years if housed separately from all other turtles.

(r) All white-tailed deer that are taken in for rehabilitation and determined to be nonreleasable must be euthanized.

~~Not more than twenty (20) white-tailed deer may be taken in for rehabilitation by a permit holder in one (1) calendar year.~~

(s) A mammal, nonmigratory bird, reptile, or amphibian taken in for rehabilitation that is:

- (1) diseased;
 - (2) severely injured, unless determined by a licensed veterinarian to be treatable and released within one hundred eighty (180) days from the date obtained by the licensed rehabilitator; or
 - (3) a turtle with a shell fracture unless determined by a licensed veterinarian to be treatable and released within two (2) years;
- must be euthanized.

(t) Euthanasia must be carried out with the:

- (1) safest;
 - (2) quickest; and
 - (3) most painless;
- available method as recommended and approved by the division of fish and wildlife.

(u) Carcasses of wild animals that are euthanized or otherwise die while in the care of a permit holder must be:

- (1) buried;
- (2) incinerated on private property with prior permission of the landowner;
- (3) given to a veterinarian or landfill for proper disposal;
- (4) put in the trash if double-bagged;
- (5) if euthanized with chemicals, disposed of only according to the chemical label;
- (6) kept for educational purposes only if the permit holder also has a special purpose salvage permit issued under section 13.5 of this rule;
- (7) donated to a properly licensed university or other educational or scientific institution that has a special purpose salvage permit issued under section 13.5 of this rule; or
- (8) donated to a person with a permit from the United States Fish and Wildlife Service for Native American religious purposes.

(v) A permit holder must not:

- (1) commercially advertise rehabilitation services or solicit for rehabilitation a wild animal that is subject to this section;
 - (2) have a wild animal spayed or neutered or in any way have their reproductive function altered;
- or
- (3) mark or tag the wild animals in any way, such as with a collar or ear tag, except as required in subsection (n)(2) or in writing from the department.

(w) A permit holder must notify the department within twenty-four (24) hours of acquiring an endangered species or

a bald or golden eagle, whether live or dead, and the location and date of acquisition.

(x) A permit holder must notify the department within twenty-four (24) hours if the permit holder has reason to

believe that a wild animal has been subjected to criminal activity.

(y) Wild animals, including their carcasses and parts, possessed under this section must not be sold, bartered, or transferred to another individual or to a permit holder's game breeder license except:

(1) **for carcasses and parts**, as authorized in subsection (u); ~~or~~

(2) **for a live wild animal that is in need of continued rehabilitation, the wild animal** may be transferred to another individual:

(A) **with a permit** under this ~~subsection~~ section; or

(B) **if a raptor, to an individual with a falconry license under section 13.1 of this rule;**

(3) **for non-releasable wild animals, as authorized in subsection (o).**

(z) A copy of the permit issued under this section must be possessed by the permit holder when transporting a wild animal possessed under this section to another location and be available and on-site when possessing and caring for wild animals authorized under this section.

(aa) A permit may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:

(1) A permit issued under this section.

(2) This article or IC 14-22.

(Natural Resources Commission; 312 IAC 9-10-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 550; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Feb 9, 2011, 10:30 a.m.: 20110309-IR-312100418FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA)

SECTION 5. 312 IAC 9-10-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-11 Nuisance wild animal control permit

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-28

Affected: IC 14-22

Sec. 11. (a) The director may without fee issue a temporary permit to control a nuisance wild animal that is:

(1) causing damage or threatening to cause damage to property; or

(2) posing a health or safety threat to persons or domestic animals.

The method and dates of control and disposition of the animal shall be set forth in the permit.

(b) A live wild animal taken under this section shall not be:

(1) possessed for more than forty-eight (48) hours; and

(2) sold;

(3) traded;

(4) bartered; or

(5) gifted.

(c) A property owner or lessee may obtain a permit under this section for the control of a nuisance wild animal.

(d) A person who charges a fee or provides a service to the public for nuisance wild animal control services

must obtain a permit under this subsection to assist a property owner or lessee with the control of a nuisance wild animal. The following testing requirements apply:

(1) A permit applicant must correctly answer at least eighty percent (80%) of the questions on a written examination of basic knowledge supervised and administered by the division of fish and wildlife.

(2) A permittee who has satisfied subdivision (1) must, within four (4) years of being issued the permit **and every four (4) years thereafter**, either:

(A) satisfy the same requirements as are set forth in subdivision (1) on another examination; or

(B) complete ~~thirty-two (32)~~ **sixteen (16)** hours of continuing education as approved by the division.

(3) A person who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not again within one hundred eighty (180) days after a second failure.

(e) An application for a nuisance wild animal control permit must be completed on a departmental form and filed with the division of fish and wildlife.

(f) An individual who does not hold a permit under subsection (d) this section may assist a permittee, but only if the permittee directly supervises or coordinates the activities of the unpermitted person. A copy of the permit must be on the person when conducting any authorized activities.

(g) A captive animal must be properly handled in an expeditious manner to prevent unnecessary physical injury.

(h) The following methods may be used to take a wild animal under this section:

(1) Firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws.

(2) Steel and live traps, except as follows:

(A) A foothold trap that possesses saw-toothed or spiked jaws.

(B) A foothold trap that:

(i) has the widest inside jaw spread perpendicular to the trap's baseplate (Figure 1) greater than or equal to five and three-quarters (5 3/4) inches and the inside width between the trap's hinge posts (Figure 2) greater than or equal to five and three-quarters (5 3/4) inches unless the jaws of the trap have at least a one-eighth (1/8) inch offset (Figure 3), the gap of the offset is filled with securely attached rubber pads, or the trap is completely covered by water. The hinge posts must be

maintained at a ninety (90) degree angle to the trap's baseplate (Figures 4 and 5); and or

and (ii) has an inside jaw spread perpendicular to the trap's baseplate greater than six one-half (6 1/2) inches and the inside width between the trap's hinge posts greater than six and one-half (6 1/2) inches and set on land.

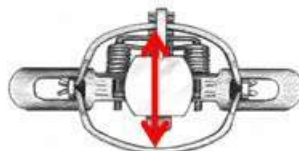


Figure 1
Widest inside jaw spread
perpendicular to the trap's
baseplate

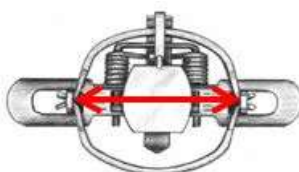


Figure 2

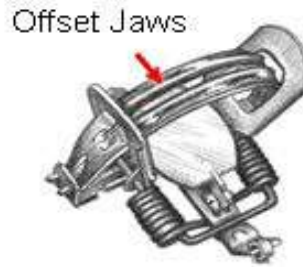


Figure 3

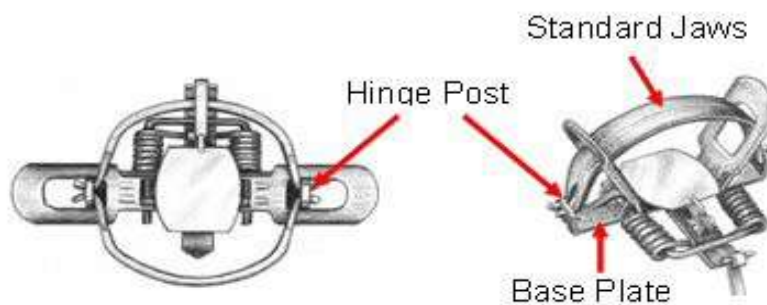


Figure 4

Figure 5

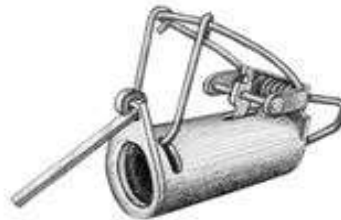


Figure 6

(C) A Conibear™, Dahlgren™, Bigelow™, or similar body-gripping trap that has the widest vertical inside jaw spread measured at the horizontal center of the trap's jaws and the widest horizontal inside jaw spread measured at the vertical center of the trap's jaws is larger than eight (8) inches unless the trap is completely covered by water.

(D) As used in this subsection, "offset jaws" means the jaws of a leg-hold trap in which the holding area of the jaws is separated by a gap or offset (specified measurement) when the trap is closed (not in the set position). The gap or offset must extend at least eighty percent (80%) of the holding area of the trap's jaws.

(3) Snares with a circumference not greater than fifteen (15) inches unless:

(A) at least fifty percent (50%) of the loop of the snare is covered by water; or

(B) the snare employs a relaxing snare lock (a lock that will allow the snare's loop size to increase once pulling tension is no longer exerted along the snare from its anchored end).

(4) Any other methods specified by the permit.

(i) All traps including snares must be checked at least once every twenty-four (24) hours, and any animal caught in a trap or snare must be removed from that trap or snare within twelve (12) hours from notice to the permit holder of an animal caught in the trap or snare.

(j) The following restrictions apply to the treatment of an animal captured live under this permit:

(1) When on-site release is not the best viable option, the animal must be:

- (A) released in the county of capture with prior consent from the landowner or landowner's agent;
- (B) euthanized; or
- (C) treated as otherwise authorized in the permit.

(2) An animal must be euthanized with the:

- (A) safest;
 - (B) quickest; and
 - (C) most painless;
- available method as recommended and approved by the division of fish and wildlife.

(3) Prior consent is required from the:

- (A) landowner; or
 - (B) landowner's agent;
- before an animal is released on any property.

(k) A permit expires on December 31 of the year the permit is issued unless otherwise specified on the permit. The permittee must maintain a current record to include the following:

- (1) The name and address of the landowner assisted.
- (2) The date assistance was provided.
- (3) The number and species of animals affected.
- (4) The method of disposition.

A copy of the records shall be kept on the premises of the permittee for at least two (2) years after the transaction and must be presented to a conservation officer upon request.

(l) A permittee must file an application by January 31 of each year in order to renew a permit. The annual report required under subsection (m) must accompany the renewal application.

(m) The permit holder shall provide an annual report to the division by January 31 of each year **unless otherwise specified on the permit**. The report shall list the following:

- (1) The:
 - (A) number; and
 - (B) species; of animals taken.
- (2) The county where the animal was captured.
- (3) The method of disposition.
- (4) The county where released (if applicable).

(n) A permit issued under this section may be suspended or revoked if the permittee does the following:

- (1) Fails to comply with any of the following:
 - (A) IC 14-22.
 - (B) This article.
 - (C) A term of the permit.
- (2) Provides false information to obtain a permit under this section.
- (3) Uses or employs any:
 - (A) deception;
 - (B) false pretense; or
 - (C) false promise;

to cause a consumer to enter into an agreement for the removal of a nuisance wild animal.

(o) No permit shall be issued under this section:

- (1) for the control of a migratory bird; except a mute swan;
- (2) for a wild animal that is identified under this article as:
 - (A) an endangered; or
 - (B) a threatened; species; or
- (3) if granting the permit would violate a federal law.

(p) Except as authorized in subsection (q), the hide, carcass, or other part or portion of a wild animal taken under this section shall not be:

- (1) sold;
- (2) traded;
- (3) bartered; or
- (4) gifted, except if gifted with no compensation of any kind to:
 - (A) an accredited scientific or educational institution with a special purpose salvage permit issued under section 13.5 of this rule; or
 - (B) the department;if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(q) The meat of a wild animal taken under this section may be retained or gifted to another person for personal consumption if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(r) A permit holder must obtain permission from the landowner or tenant prior to setting a trap, snare, or other device or capturing a wild animal on that landowner or tenant's property.

(s) A conservation officer may inspect the equipment, wild animals, and any records relative to a permit issued under this section at any reasonable hour.

(Natural Resources Commission; 312 IAC 9-10-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2732; filed Oct 28, 2002, 12:03 p.m.: 26 IR 692; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Feb 28, 2014, 8:01 a.m.: 20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA)

SECTION 6. 312 IAC 9-10-15 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-15 Fish importation permit

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 15. (a) Except as provided in subsection (e), a person must obtain a fish importation permit under this section before a person imports any live fish for sale or release.

(b) An application for a fish importation permit must be submitted by an applicant at least ten (10) days in advance of the proposed date of importation.

(c) An applicant must establish that a fish to be imported:

- (1) is free of any communicable disease;
- (2) will not become a nuisance; and
- (3) will not damage a native wild species or a domestic species of animal or plant.

(d) A person is exempted from this section who possesses fish other than those listed in 312 IAC 9-6-7 and who is either engaged in:

(1) importing live fish exclusively for confinement and exhibit in a zoo or another public display; or

(2) supplying live fish for use in the aquarium pet trade.

(e) Live fish of the following species other than genetically altered fish, may be imported without obtaining a permit under this section:

(1) Black crappie.

(2) Blue catfish.

(3) Bluegill.

(4) Bluntnose minnow.

(5) ~~Bowfin.~~

(6) Buffalo.

(7) (6) Bullhead.

(8) (7) Burbot.

(9) (8) Carp.

(10) (9) Channel catfish.

(11) (10) Fathead minnow.

(12) (11) Flathead catfish.

(13) (12) Freshwater drum.

(14) (13) Golden shiner.

(15) (14) Goldfish.

(16) (15) Green sunfish.

(17) (16) Hybrid sunfish.

(18) (17) Largemouth bass.

(19) (18) Mosquitofish.

(20) (19) Muskellunge.

(21) (20) Northern pike.

(22) ~~Paddlefish.~~

(23) (21) Redear sunfish.

(24) (22) Rock bass.

(25) (23) Smallmouth bass.

(26) (24) Striped bass.

(27) (25) Sucker.

(28) (26) Walleye.

(29) (27) Warmouth.

(30) (28) White bass.

(31) (29) White catfish.

(32) (30) White crappie.

(33) (31) Yellow perch.

(Natural Resources Commission; 312 IAC 9-10-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2735; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA)

SECTION 7. 312 IAC 9-10-16 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-16 Dog training ground permit

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-20; IC 14-22-31

Sec. 16. (a) A person may:

(1) take **and allow the taking of** northern bobwhite quail (*Colinus virginianus*) or ring-necked pheasants (*Phasianus colchicus*) that have been raised in captivity; **or**
 (2) chase and allow the chasing of eastern cottontail rabbits in a dog training ground;
 for the purpose of training dogs only pursuant to a permit issued under this section.

(b) **The following definitions apply to this section:**

(1) **"Eastern cottontail rabbit" (*Sylvilagus floridanus*) means a rabbit that has been obtained from the wild legally or raised in captivity.**

(2) **"Northern bobwhite quail" (*Colinus virginianus*) means a northern bobwhite quail that has been raised in captivity and includes all color phases and subspecies of the northern bobwhite quail.**

(3) **"Ring-necked pheasant" (*Phasianus colchicus*) means a pheasant that has been raised in captivity and includes all color phases and subspecies of the ring-necked pheasant.**

~~(b) (c) An application~~ **A person must apply** for a dog training ground permit ~~must be completed~~ on a department form and filed with the division. ~~A person must~~ demonstrate the applicant:

(1) **is at least eighteen (18) years of age; and**

(2) **owns or controls the land to be permitted as a dog training ground.**

~~(c) (d)~~ **A dog training ground permit will only be issued under:**

(1) **subsection (a)(1) for a contiguous tract of land of at least five (5) and not more than twenty (20) acres to be used as the dog training ground.**

(2) **subsection (a)(2) for a contiguous tract of land of at least ten (10) acres.**

~~(c) (e)~~ **A permit shall not be issued under this section subsection (a)(1) for land located within one (1) mile of a state-owned or state-controlled public hunting area.**

(f) A permit shall not be issued or renewed under subsection (a)(2) until the training ground is inspected by a conservation officer or wildlife biologist of the division of fish and wildlife. If the training ground does not meet the specifications under subsection (k)(1) through (k)(6), the applicant will be advised of the deficiencies and a second inspection will be completed after the applicant has made corrections.

~~(d) (g)~~ **Only one (1) dog training ground may be licensed by the department on a contiguous tract of land.**

~~(e) (h)~~ **A person issued a permit holder under this section shall mark the entire boundary of the land permitted as a dog training ground with signs:**

(1) **at least sixteen (16) inches wide and sixteen (16) inches long;**

(2) **having a white background;**

(3) **stating "dog training ground" in one (1) inch high lettering; and**

(4) **placed not more than five hundred (500) feet apart.**

~~(f) (i)~~ **A person issued a permit under this section holder under subsection (a)(1) shall:**

(1) ~~band the northern bobwhite quail or ring-necked pheasants with a standard metal or plastic leg band before release on the dog training ground;~~

~~(2)~~ **have in possession a:**

(A) **bill of sale for the game birds released for training; or**

(B) **copy of the person's game breeder license; and**

~~(3) (2)~~ **maintain a daily record of the training activities on the dog training ground that includes the:**

(A) **name and address of each trainer using the ground;**

(B) **number and species of birds released; and**

(C) number and species of birds taken.

(3) allow the taking of

~~(g) A person must not take~~ bobwhite quail or ring-necked pheasants ~~under this section except only~~ between sunrise and sunset.

(j) A permit holder under subsection (a)(2) shall:

- (1) Obtain live eastern cottontail rabbits from native Indiana stock.**
- (2) Keep an accurate electronic record (that can be printed and signed) or record in ink on forms provided by the department of the:**
 - (A) Full name and address of each person from whom rabbits are obtained;**
 - (B) Date and number of rabbits released into the dog training ground;**
 - (C) Date of mortality or discovery of mortality and proximate cause of mortality of any rabbit;**
 - (D) Date and time of each dog training activity and field trial that includes the number of dogs released during each activity or field trial conducted under IC 14-22-24 and 312 IAC 9-10-7;**
- (3) Allow rabbits to roam freely within the training ground and not house the animals in temporary confinement facilities except for the purpose of providing temporary medical care to a diseased or injured rabbit by a licensed veterinarian.**
- (4) Provide supplemental feed or a complete feed ration to prevent:**
 - (A) malnutrition;**
 - (B) poor body condition;**
 - (C) debility; or**
 - (D) stress;**

when adequate natural food sources are not available to meet the nutritional needs of each rabbit on a daily basis.
- (5) Provide fresh, clean drinking water through natural or man-made sources on a daily basis.**

(k) A dog training ground permitted under subsection (a)(2) shall comply with the following requirements:

- (1) There shall be no interior fences that:**
 - (A) divide the training ground into parcels less than ten (10) acres; or**
 - (B) hinder a rabbit's ability to travel within the training ground**
- (2) The fenced area contains ten (10) to twenty (20) percent well-distributed, live, brushy cover (briar patches, dense tall native grass clumps, woody vines, low-growing shrubs), with total woody cover between twenty (20) and fifty (50) percent.**
- (3) The fenced area contains a good diversity and interspersions of grasses, legumes, and forbs, throughout the entire area, with no more than fifteen percent (15) of the area consisting of tall fescue.**
- (4) No more than fifty percent (50) of the fenced area is mown, burned or chemically treated during any twelve (12) month period.**
- (5) No more than ten percent (10) of the fenced area is disked or plowed during any twelve (12) month period.**
- (6) At least fifty percent (50) of the fenced area is not subject to flooding and is of sufficient height above the water table to allow for burrows and forms.**
- (7) Operation shall comply with the following:**
 - (A) Any dog released into the training ground must be vaccinated in accordance with Indiana law.**
 - (B) Rabbits within the training ground must be allowed eight (8) consecutive hours of rest in a twenty-four (24) hour period.**

(C) The training ground must not be used for more than sixteen (16) consecutive hours in a twenty-four (24) hour period for dog training purposes and no more than eight (8) hours a day during a field trial licensed under IC 14-22-24 and 312 IAC 9-10-7.

(D) Prior to being chased, all rabbits shall be provided a minimum of seven (7) days to acclimate to the training ground.

(E) Rabbits within a training ground may be chased with dogs but shall not be chased with the intent to capture or kill.

(F) No individual or dog may molest, harass, or chase a rabbit utilizing a den within the training ground.

~~(h)~~ (l) A ~~person issued a permit~~ **holder** under ~~this section~~:

(1) **Subsection (a)(1)** shall not sell or possess a bobwhite quail or ring-necked pheasant in captivity for more than five (5) days unless the person possesses a valid game breeder license under IC 14-22-20 and section 4 of this rule.

(2) **Subsection (a)(2)** shall not:

(A) sell;

(B) trade;

(C) barter;

(D) gift;

rabbits possessed under the authority of this permit.

(m) The permit holder under subsection (a)(2) is exempt from the following requirements for the possessing and chasing of rabbits within the enclosure under the authority of this permit:

(A) The possession restriction established at 312 IAC 9-3-16(d);

(B) A wild animal possession permit issued under IC 14-22-26 and 312 IAC 9-11;

(C) A game breeder license issued under IC 14-22-20 and 312 IAC 9-10-4;

(D) A wild animal rehabilitation permit issued under 312 IAC 9-10-9;

(E) A scientific purposes license issued under 312 IAC 9-10-6; and

(F) A nuisance wild animal control permit issued under 312 IAC 9-10-11.

(n) Any individual releasing dogs in the dog training ground shall have in his possession a valid hunting license issued under IC 14-22-12-1 unless exempt under IC 14-22-11-1.

~~(j)~~ (o) The dog training ground cannot be used for any of the following:

(1) A field trial, unless a permit is held under section 7 of this rule.

(2) A shooting preserve, unless a license is held under IC 14-22-31.

(3) The purpose of possessing or breeding game birds ~~for release~~ unless the person is licensed under IC 14-22-20 and section 4 of this rule.

(4) **The purpose of breeding rabbits.**

~~(j)~~ (p) A permit issued under this section expires December 31 of the year in which the permit was issued.

~~(k)~~ (q) **Records required under this section shall be retained for at least three (3) years.** A conservation officer may enter **and inspect** the premises **and records** of the permit holder at all reasonable hours ~~to inspect those premises and any records relative to the permit times.~~ **The inspection of premises under subsection (a)(2) may include the removal of a reasonable sample from rabbits for biological examination.**

(r) A permit issued under this section may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:

(1) The permit issued under this section;

(2) This article or IC 14-22; or

(3) Another applicable state, local, federal law.

(Natural Resources Commission; 312 IAC 9-10-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2736; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Apr 1, 2008, 10:28 a.m.: 20080430-IR-312070735FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA)

SECTION 8. 312 IAC 9-10-24 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-10-24 Trapper education permit

Authority: IC 14-22-2-6; IC 14-22-11-12

Affected: IC 4-21.5; IC 14-22

Sec. 9.5. (a) This section governs a trapper education permit. A permit is required for a person who to conduct a trapper education course and set a trap for a wild animal as part of the course.

(b) The permit is available only to a person who is at least one (1) of the following:

(1) A non-profit organization;

(2) An authorized employee of the department; or

(3) A person who is employed or sponsored by an educational institution or a nonprofit organization.

(c) An application for a permit under this section shall be completed on a departmental form and must provide the following:

(1) An outline of the educational program that includes an explanation of the legal methods of trapping and ethics.

(2) The location where the course will be held.

(3) The types of traps that will be set.

(4) The locations (address) of any traps set.

(5) The date of the course.

(d) All traps including snares must be checked at least once every twenty-four (24) hours, and any animal caught in a trap or snare must be removed from that trap or snare within twelve (12) hours from notice to the permit holder of an animal caught in the trap or snare.

(e) Wild animals must be taken in accordance with 312 IAC 9-3-18 and either:

(1) released in the county of capture with prior consent from the landowner or landowner's agent;

(2) euthanized; or

(3) treated as otherwise authorized in the permit.

(f) A wild animal taken under this section must be euthanized with the:

(1) safest;

(2) quickest; and

(3) most painless;

available method as recommended and approved by the division of fish and wildlife.

(g) Wild animals taken under this section shall not be:

(1) possessed for more than forty-eight (48) hours by instructors or students;

(2) sold;

- (3) traded;
- (4) bartered; or
- (5) gifted, except as authorized in subsection (g).

(g) A dead wild animal that is taken under this section may be gifted with no compensation of any kind to:

- (1) an accredited scientific institution or non-profit organization with a special purpose salvage permit issued under section 13.5 of this rule; or
- (2) the department;
if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(Natural Resources Commission; 312 IAC 9-10-23)

SECTION 9. 312 IAC 9-11-2 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-11-2 First permit to possess a wild animal

Authority: IC 14-22-26

Affected: IC 14-11-4; IC 14-22

Sec. 2. (a) This section governs the first permit under this rule to possess a particular wild animal.

(b) A person who wishes to possess a wild animal, described as Class I or Class II in this rule, must apply for a permit under this rule within five (5) days of taking possession of the animal **that was lawfully acquired and in accordance with this rule.**

(c) A person who wishes to possess a wild animal, described as Class III in this rule must satisfy IC 14-11-4 and obtain a permit under this rule before the person takes possession of the animal **and in accordance with this rule.** In addition to any procedural requirements, a notice under this subsection must also describe the following:

- (1) The species of the wild animal.
- (2) Where the animal will be possessed.

(d) Within forty-five (45) days after the issuance of a permit, the permit holder must submit written verification from a licensed veterinarian that the animal appears to be

- (1) free of disease; and
- (2) in good health

to the division of fish and wildlife.

(e) An application for a Class III wild animal must present a plan for the quick and safe recapture of the wild animal if the animal escapes or, if recapture is impracticable, for the destruction of the animal. After notification by the department of an intention to issue a permit, but before the permit is issued, the applicant must obtain the equipment needed to carry out the recapture and destruction plan. The nature and extent of the recapture plan and the equipment needed are dependent on the danger the escaped animal poses to:

- (1) persons;
- (2) domestic animals;
- (3) livestock; and
- (4) other wildlife;

in the vicinity of the escape.

(f) A permit holder who possesses a Class III wild animal must notify the department immediately after the discovery of any escape of the animal from the perimeter fence.

(g) A permit application must be:

- (1) completed on a department form; and
- (2) accompanied by a fee in the amount of ten dollars (\$10).

(h) A conservation officer shall inspect the:

- (1) cages or enclosures;
- (2) wild animal (if already in possession; and
- (3) documentation of legal acquisition (if the wild animal is already in possession);

after the application is received and prior to the issuance of a permit.

(i) ~~An application must show~~ **An applicant must provide documentation that** the wild animal was lawfully acquired. A receipted invoice, bill of lading, or other evidence approved by the director shall accompany the application to establish compliance with this subsection. (*Natural Resources Commission; 312 IAC 9-11-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2738; filed Feb 7, 2000, 3:31 p.m.: 23 IR 1366; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 555; readopted filed Nov 24, 2008, 11:08 a.m.:20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Feb 28, 2014, 8:01 a.m.:20140326-IR-312130024FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA*)